

REMARKS

Introduction

Claims 6-8, 11, 14-15 and 20-22 are pending. Claims 6-8, 11, and 21 have been amended. Support for these amendments can be found throughout the specification, for example, in the claims as filed. These changes do not introduce new matter.

Claims 1-5, 9-10, 12-13, 16-19, and 23-24 have been cancelled without prejudice to the subject matter disclosed therein. Applicant expressly reserves the right to pursue the cancelled subject matter in this application via rejoinder or in other applications.

Rejections under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 6-8, 14-15, and 20 under the second paragraph of 35 U.S.C. §112 as allegedly being indefinite. Applicant respectfully disagrees that proper rejections under 35 U.S.C. §112 second paragraph have been made for at least the reasons below.

The Examiner has rejected claim 6 as allegedly being indefinite because the metes and bounds of the term "rab31" is unclear. Applicant disagrees. However, solely to expedite prosecution, the claims have been amended to recite "a translation product of a gene coding for the amino acid sequence of SEQ ID NO: 1 [rab31]" instead of the rejected phrase "rab31." This rejection is now moot.

The Examiner has also rejected claim 6 as allegedly being vague and/or indefinite for not describing the relation between rab31 and a cell. Applicant disagrees. However, solely to expedite prosecution, claim 6 has been amended to refer to contacting a cell with a test compound and measuring the level of a translation product of a gene coding for the amino acid sequence of SEQ ID NO: 1 (rab31). The claim then refers to comparing the levels of the translation product found in the cells of steps (b) and (c) of the claim to each other. Thus, Applicant respectfully asserts that the relation between rab31 and the cells is clear and this rejection is improper and/or moot.

The Examiner has rejected claim 7 as allegedly being indefinite for omitting the steps for identifying a predisposition of an animal for a neurodegenerative disease, e.g. Alzheimer's disease (AD). Applicant respectfully disagrees.

The specification provides that an animal can exhibit "a predisposition to developing symptoms of neuropathology similar to a neurodegenerative disease, in particular AD" as a result of, for example, "a modification of [an] endogenous gene, wherein said gene is mis-expressed, or under-expressed, or over-expressed." See paragraph [0044]. This is sufficient guidance for one of skill in the art to identify a predisposition for disease as used in claim 7. Therefore, claim 7 is not indefinite.

For at least the above reasons, the rejections under the second paragraph of 35 U.S.C. §112 have not been properly established and/or have been overcome or rendered moot. Applicant requests their timely withdrawal.

Rejections under 35 U.S.C. §112, first paragraph

The Examiner has rejected claims 6-8, 11, 14-15, and 20-22 under the first paragraph of 35 U.S.C. § 112 as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey that applicant had possession of the claimed invention at the time of filing. Applicant disagrees that a proper rejection under the first paragraph of 35 U.S.C. §112 has been made for at least the following reasons.

The Examiner alleges that the phrase "a fragment, derivative, or variant of [a translation product of a gene coding for rab31]" is not sufficiently disclosed in the specification. Applicant disagrees. However, solely to expedite prosecution, the claims have been amended to remove this phrase rendering this rejection moot.

The Examiner has also rejected claims 6-8, 11, 14-15, and 20-22 under the first paragraph of 35 U.S.C. §112 as allegedly lacking enablement of a specific biological activity mediated by the protein rab31. Applicant disagrees.

The specification provides that "rab31, as a vesicle membrane-associated protein, participates in the regulation of vesicle trafficking, targeting and fusion." See paragraph [0009]. The specification further states that "[r]ab31 may, for instance, impact on sorting and targeting of transport vesicles containing the amyloid precursor protein (APP) and, thereby, have a causative role in the development of AD." See paragraph [0009]. This, along with the differential expression of the rab31 gene found in AD patients when compared to control patients, fully enables the claims which are directed to modulators of diseases or disorders related to rab31, e.g., AD.

For at least the above reasons, the rejections under the first paragraph of 35 U.S.C. §112 have not been properly established and/or have been overcome or rendered moot. Applicant requests their timely withdrawal.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Dated: February 14, 2008

Respectfully submitted,

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